

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>TERRELL BARTEL ANTHONY</b>	)	
<b>MILLER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>1:15CV491</b>
<b>v.</b>	)	
	)	
<b>KYLE PRATT, et al.,</b>	)	
	)	
<b>Defendant(s).</b>	)	

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on July 10, 2015, was served on the parties in this action. [Docs. #3, 4.] Plaintiff Terrell Bartel Anthony Miller objected to the Recommendation. [Doc. #7.]

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a de novo determination which is in accord with the Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

After Miller objected to the Recommendation, he filed three additional documents in which he sought a change of venue [Doc. #9], to have counsel appointed in this matter [Doc. #11], and to supplement his Complaint [Doc. #12]. Neither a change of venue nor appointment of counsel is warranted in

this matter. To the extent those filings, [Docs. #9, 11], are treated as motions, they are denied. Furthermore, the purported supplement to the Complaint does not change the fact that Miller's claims are barred by the statute of limitations.

**IT IS THEREFORE ORDERED** that this action be dismissed pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be granted. **IT IS FURTHER ORDERED** that to the extent Plaintiff has moved for a change in venue and appointment of counsel, those motions, [Docs. #9, 11], are **DENIED**. A judgment dismissing this action will be entered contemporaneously with this Order.

This the 19<sup>th</sup> day of December, 2016.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge